

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Sharmila S. Gollamudi Art Unit: 1616

Re: Application of: Chih-Ming CHEN, et al.

Serial No.: 09/435,576

Filed: November 8, 1999

For: **HMG-COA REDUCTASE INHIBITOR
EXTENDED RELEASE FORMULATION****AMENDMENT and STATEMENT OF SUBSTANCE
OF INTERVIEW UNDER 37 CFR §1.133**Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

December 15, 2003

I. INTRODUCTORY COMMENTS

Sir:

This amendment is made with respect to the Office Action dated October 20, 2003. The "REMARKS" section of the present amendment includes the substance of the interview as required under 37 CFR §1.133. In the Office Action dated October 20, 2003, the Examiner finally rejected claims 1-13, 18-19, 21-22, 25-29, 31-54, 57-71, and 76-81 under 35 U.S.C. 103 (a) as being unpatentable over Alberts (4,997,658) or Cheng et al (Pharmaceutical Research) in view of Oshlack et al. (5,472,712). Claims 1-13, 18-19, 21-22, 25-29, 31-54, 57-71, and 76-81 were finally rejected under 35 U.S.C. 103 (a) as being unpatentable over Alberts (4,997,658) or Cheng et al (Pharmaceutical Research) in view of Sako et al. (6,436,441). The previous rejection under 35 U.S.C. 112 was withdrawn.

COMMISSIONER FOR PATENTS
Alexandria, VA 22313-1450



Docket No.: 300.1003
Date: December 15, 2003

Image
AF/1600

In re application of: Chih-Ming CHEN, et al.

Serial No.: 09/435,576

Filed: November 8, 1999

For: **HMG-COA REDUCTASE INHIBITOR EXTENDED RELEASE FORMULATION**

Sir:

Transmitted herewith is an **Amendment and Statement of Substance of Interview** under 37 CFR § 1.133 in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
☒ No fee for additional claims is required.
☐ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)	(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST		RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	PRESENT					
	AMENDMENT	PAID FOR	EXTRA					
TOTAL CLAIMS	* Minus**	=	x0\$ 9	\$		x	\$ 18	\$
INDEP. CLAIMS	* Minus***	=	x0\$ 40	\$		x	\$ 80	\$
[] FIRST PRESENTATION OF MULTIPLE DEP. CLAIMS				\$		+	\$ 270	\$

TOTAL: \$ OR TOTAL: \$

- * If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

☐ Also transmitted herewith are:

- ☐ Petition for extension under 37 C.F.R. 1.136
☐ Other:

☐ Check(s) in the amount of \$ are attached to cover:

- ☐ Filing fee for additional claims under 37 C.F.R. 1.16
☐ Petition fee for extension under 37 C.F.R. 1.136
☐ Other:

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims.
☒ Any patent application processing fees under 37 C.F.R. 1.17.
☒ Any petition fees for extension under 37 C.F.R. 1.136, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with sufficient postage to the United States Postal Service as "first class mail" in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on December 15, 2003.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: *More*